

### **REMARKS**

Favorable consideration and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks.

Currently, claims 24-31 and 35-42 are pending in the present application, including independent claims 24 and 35. Claims 24, 30, 35, and 41 are being amended in this paper.

Independent claim 24, for instance, is directed to a method for making a necked laminate, wherein a non-elastic neckable material is provided, a non-elastic film layer is provided, and the non-elastic neckable material is attached to the non-elastic film to form a laminate. The laminate is stretched in a first dimension to neck the laminate in a dimension perpendicular to the first dimension, such that striated rugosities are formed in the non-elastic film layer in the first dimension.

In the Office Action, claims 24-31 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The rejection specifically stated:

Since the specification makes it clear that the laminate is stretched in a longitudinal dimension to neck the laminate in a transverse dimension, and a first dimension is defined by the transverse dimension while the perpendicular dimension is defined by the longitudinal dimension, the recitation "stretching said laminate in a first dimension to neck said laminate in a dimension perpendicular to the first dimension" is not fully supported by the present specification.

(Office Action, at p. 2). Applicants respectfully submit that the limitations of independent claim 24 are fully supported by the specification as originally filed.

Applicants' specification does not require that "a first dimension" must be defined as the "transverse dimension" or that "a dimension perpendicular to the first dimension"

must defined as the "longitudinal dimension," as suggested in the above-quoted portion of Office Action. Accordingly, Applicants are using the phrases "a first dimension" and "a dimension perpendicular to said first dimension" in claim 24 merely to introduce two different dimensions sequentially.

Specifically, claim 24 is a method claim that introduces a "stretching" step, during which the laminate is stretched in "a first dimension," *before* the claim introduces that this stretching step "necks" the laminate in a second dimension—specifically, "a dimension perpendicular to said first dimension." By way of example only, the following passages from the specification illustrate how two different dimensions may be introduced *without* general phrases like "a first dimension" and "a dimension perpendicular to said first dimension" being restricted to *only one* of the "transverse dimension" and the "longitudinal dimension":

- The necked laminate is formed from sheet layers of at least one non-elastic neckable material laminated to at least one non-elastic film defining a longitudinal and transverse dimension wherein the laminate is extensible and retractable in *at least one dimension* without significantly reducing the breathability and/or liquid barrier properties of the film layer. This laminate extensibility and retractability is the result of *striated rugosities in, for instance, the longitudinal dimension* of the film layer which enables the necked laminate to have an amount of extensibility and retractability in the transverse dimension. (Page 3, lines 8-15, wherein striated rugosities are formed in a dimension, for instance, the longitudinal dimension);
- As used herein, the term "necked material" refers to any material which has been drawn in *at least one dimension*, (e.g. lengthwise). (Page 5, lines 26-28, wherein the material is drawn in at least one dimension); and
- Also, the term "longitudinal direction" or "LD" means the length of a material in the direction in which the material is moving when it is produced. The "longitudinal dimension" therefore, is the dimension of the longitudinal direction. The term "transverse direction" or "TD" means the width of the material, i.e. a direction generally perpendicular to the longitudinal direction. Likewise, the "transverse dimension" therefore, is the dimension of the transverse direction.

(Page 6, lines 8-13, wherein the "perpendicular dimension" actually refers to the "transverse dimension").

For at least these reasons, then, Applicants respectfully submit that claims 24-31 fulfill the requirements of 35 U.S.C. § 112.

In addition, claims 35-42 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,472,045 to Morman, et al. Without commenting on the propriety of this rejection, Applicants are submitting herewith a Terminal Disclaimer with respect to the 6,472,045 patent, pursuant to 37 C.F.R. § 1.321(c).

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Vo is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

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Please charge any additional fees required by this Amendment to Deposit

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Respectfully submitted,

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